

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building, and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number
P.C. 08/27/03 Item #: 4.b.

File Number
PDC02-104

Application Type
Planned Development Rezoning

Council District
4

Planning Area
Alum Rock

Assessor's Parcel Number(s)
254-17-018

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Caleb Gretton

Location: West side of King Road approximately 250 feet southerly of Commodore Drive

Gross Acreage: 5.6

Net Acreage: 4.3

Net Density: 18.1 DU/AC

Existing Zoning: Unincorporated County

Existing Use: Industrial

Proposed Zoning: A(PD) Planned Development

Proposed Use: Up to 78 Single-Family detached residential units

GENERAL PLAN

Completed by: CG

Land Use/Transportation Diagram Designation
Medium High Density Residential (12-25 DU/AC)

Project Conformance:
☒ Yes ☐ No
☒ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: CG

North: Upper Penitencia Creek, Industrial Uses, Senior Housing

A(PD) Planned Development, A(PD) Planned Development

East: Industrial Uses (future location of San Jose BART extension, BART Berryessa Station)

A(PD) Planned Development

South: Multi-Family Residential

A(PD) Planned Development

West: Multi-Family Residential, Single-Family Residential

A(PD) Planned Development, R-1-5 (PD) Planned Development

ENVIRONMENTAL STATUS

Completed by: CG

☐ Environmental Impact Report found complete
☒ Negative Declaration circulated on August 5, 2003
☐ Negative Declaration adopted

☐ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: CG

Annexation Title: Berryessa No. 67

Date:

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☐ Approval
☒ Approval with Conditions
☐ Denial

Date: _____

Approved by: _____
☐ Action
☒ Recommendation

APPLICANT/DEVELOPER

OWNER

KB Homes
Jeff McMullen
6700 Koll Center Parkway, Suite 200.
Pleasanton CA 94566

Angie Salamoni
1770 Technology Drive
San Jose, 95110

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: CG

Department of Public Works

See attached memo

Other Departments and Agencies

See attached memos from the Santa Clara Valley Water District, San Jose Police Department, San Jose Fire Department, Environmental Services Department, and the Valley Transportation Authority

GENERAL CORRESPONDENCE

None received

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, KB Homes, is proposing to prezone a 5.6-gross-acre site to A(PD) Planned Development Zoning district to allow up to 78 single-family detached residential dwelling units on the subject property. A Planned Development zoning is required because the proposed residential lots and private streets would not meet the requirements of the City's standard R-1 zoning districts. Conformance with the Residential Design Guidelines (RDG) is discussed below.

The subject property is in an area undergoing a transition from industrial to residential use. Industrial development is located to the north and west of the property, while adjacent properties to the north and south have recently been redeveloped with multi-family and single-family uses. These include the Betty Anne Gardens affordable Senior Housing project to the north, across Upper Penitencia Creek, and a 22 DU/AC multi-family and a 13 DU/AC single-family project to the south. An older residential development is located to the east across King Road.

The subject property is a flat parcel that is developed with industrial buildings that are currently vacant, surface parking and vehicle storage. The VTA is currently in the planning process to build a BART station on portions of the Flea Market and intervening industrial properties as part of the San Jose BART extension. To the immediate north of the subject property is land that has a General Plan designation of Public Park and Open Space, which the developer has agreed to dedicate to the City's Parks and Recreation Department, but is not included in this zoning request.

Project Description

The proposed zoning would allow the development of up to 78 single-family detached residential dwelling units on a 5.6 gross acre site. The zoning would allow four-story structures with front setbacks of 17 feet, side setbacks of 3 feet, and rear setbacks of 15 feet. The 78 units would obtain access via eight 20-foot wide private driveways off of a new 52-foot wide public street that would bisect the property from east to west and ultimately provide access to the planned BART station. Each unit would have a two-car garage accessed directly from one of the private driveways. Front entry to the units is provided by a 15-foot wide paseo that includes a four-foot wide sidewalk with approximately 5.5 feet of landscaping on each side. Because units would have access on one side from a landscaped paseo, and vehicle access from an alley on the other, they are conceptually similar to the Garden Townhouse development type as described in the RDG. The proposed units vary from the design of a Garden Townhouse unit in that they are detached. As a part of this project the

developer has agreed to dedicate and improve property frontage along King Road, and dedicate public open space located along Upper Penitencia Creek for park trail use.

ENVIRONMENTAL REVIEW

An Initial Study was prepared for this project and the Director of Planning circulated a Mitigated Negative Declaration for public review on August 5, 2003. The Mitigated Negative Declaration addresses issues such as Noise, Traffic, Water Quality, and Air Quality. With implementation of the proposed mitigation measures, which include construction related mitigation for potential noise, urban runoff, air quality, and water quality impacts, the project will not have a significant impact on the environment.

GENERAL PLAN CONFORMANCE

The subject property has a General Plan designation of Medium High Density Residential (12-25 DU/AC). The developer proposes the construction of 78 dwelling units on a 5.4 gross acre site. The project includes a public street to be dedicated to the City of approximately 1 acre in size. The net density of the proposed project is approximately 18 DU/AC, consistent with the General Plan density range. General Plan consistency is further discussed in the following Analysis section.

ANALYSIS

The primary issues associated with the project are: 1) Conformance to the Residential Design Guidelines, and 2) Conformance to the City of San Jose General Plan Transit Oriented Development Policies.

Conformance to the Residential Design Guidelines

The Residential Design Guidelines provide guidance on appropriate design of residential projects and identify requirements for new residential development based on specific unit types. The developer proposes a unit type that is not specifically addressed in the Residential Design Guidelines, but is a hybrid of single-family detached and attached garden townhouse dwelling units, resulting in a “detached garden townhouse” unit type. For the purposes of determining conformance to the Residential Design Guidelines, staff has evaluated the proposed project based on a garden townhouse dwelling unit.

Per the RDG, townhouse unit developments should provide a minimum of 300 square feet of private open space and 150 square feet of common usable open space for every dwelling unit. The proposed development provides private open space in the form of front yards that are 32 feet by 10 feet for a total of 320 feet per unit. Paseos that are 15 feet wide, consisting of a 4-5 foot wide walkway and 5-6 feet of landscaping on each side of the walkway serve as the primary pedestrian access to the individual units as well as the common open space for the development. The proposed zoning therefore includes approximately 300 square feet of common open space per unit consistent with the RDG requirements.

The Residential Design Guidelines identify the need for building design to provide interest and articulation while remaining harmonious as a whole. The proposed project includes at least five different unit designs that vary in height and architectural style but that are consistent in material and pattern. By providing a variety of designs, the project creates interest and articulation consistent with the intent and goals of the guidelines.

The proposed zoning would include a front building-to-building setback of 35 feet and a rear building-to-building setback of 30 feet consistent with the RDG requirements. The zoning also includes an

average 35-foot setback from King Road. The project provides a 10-foot setback from the adjacent multi-family residential development to the south. Because the two residential properties are separated by a 10-15 foot soundwall this setback is consistent with the RDG requirements. The industrial uses to the north of the subject property are separated from the majority of the units by a 52-foot wide right-of-way. The units located at the northwest portion of the property and the units located at the western most edge of the property have an average setback of 20 feet from adjacent industrial uses. The RDG requires a minimum 15-foot separation from incompatible uses, therefore the proposed setbacks are consistent with the RDG requirements.

Per the RDG, driveways should not be lined with barren processions of garage doors. The zoning provides a 20-foot wide driveway with five-foot wide walkways on each side. The five-foot walkways provide opportunity to provide trees along the private drives in the form of planter areas nine square feet in size, consistent with the RDG requirements.

The proposed zoning sets general standards for the development of the site with houses that could be consistent with the Residential Design Guidelines. During the zoning stage for new development, conceptual architecture and building design are provided to illustrate how a project would conform to the guidelines. Specific building designs are resolved at the Planned Development Permit stage. Although conceptual in nature, the proposed project conforms to the Residential Design Guidelines.

Conformance to the General Plan Transit Oriented Design Policies

In November 2001, the Santa Clara Valley Transportation Authority Board of Directors approved the extension of BART to Milpitas, San Jose, and Santa Clara, as the preferred Investment Strategy for the Silicon Valley Rapid Transit Corridor. The proposed alignment is planned to utilize the existing Union Pacific Railroad right-of-way through northeast San Jose, with planned stations located throughout the City. One of the planned station locations is on the Berryessa Flea Market property and the adjacent industrial lands located just west of the subject property. (See attached map)

In determining appropriate areas for expansion, BART developed a process and a set of criteria for evaluating expansion opportunities and created guidelines for determining whether to advance potential projects. The most important of these criteria was the commitment of each participating city to provide appropriate land uses and a mix of high-density housing and jobs to adequately support the BART system. Cities were rewarded with a BART line if they demonstrated the ability to provide a pedestrian oriented mix of high density residential, commercial, and mixed-use land uses in and around the planned BART Station. Density is considered the greatest support to BART: simply stated, the more housing and jobs within short walking distance to a BART station the greater the ridership. Furthermore, analysis of local land use approvals is an important part of the VTA application for federal funding. As a part of the City of San Jose's commitment to providing appropriate land use within close proximity to planned BART Stations, the City recently added BART Station Area Nodes designations into the General Plan. Approval of lower density development could undermine future VTA applications for federal funding for the BART project.

BART Station Area Nodes are areas defined by a circle with a radius of 3,000 feet from a planned BART station. BART Station Area Nodes are areas designated by the City as generally suitable for higher residential densities. The general purpose of the Station Area Nodes is to acknowledge the natural tendency toward development intensification in prime urban areas where the intensified use and the public transit will be mutually supportive and will help create vibrant pedestrian oriented neighborhoods. In order to preserve the limited opportunities for intensive develop, within the corridors,

development types and patterns that do not maintain an urban form consistent with the intent of the General Plan are strongly discouraged.

The subject site is located just east of the planned Berryessa BART station and is within the BART Station Area Node. Development in this location should be pedestrian oriented and developed at higher densities. The proposed project consists of 78 Single-Family detached dwelling units on a 4.4 net acre site for a net density of 18 DU/AC.

General Plan policy states that properties with a Medium High Density Residential designation located within 2,000 feet of a planned or existing transit station should be developed at a minimum of 20 units per acre. The development of higher density projects is extremely important to the success of public transit and increased transit use, a key objective of the General Plan. In order to preserve the limited opportunities for intensive development within 2,000 feet of a planned transit station, the General Plan strongly discourages development types and patterns that do not support transit use. By concentrating higher densities along the BART Area Nodes, the City can preserve natural amenities, such as open space, and can reduce the potential impacts of growth on air quality and traffic congestion in order to maintain a higher quality of life.

The proposed project is a single-family detached residential development with a density of 18 DU/AC, below the recommended 20+ DU/AC for properties within 2,000 feet of a planned transit station. Traditionally, single-family development is characterized as auto oriented, usually providing two car garages for each unit and suburban in nature. One of the goals of the General Plan is to provide pedestrian oriented developments adjacent to transit stations, in order to encourage ridership, reduce air pollution, and take advantage of existing City services. In order to provide appropriate Transit Oriented Development within the BART Area Nodes, staff is recommending that the proposed project be modified to increase its density to a minimum of 20 DU/AC. To accomplish this task, the developer will likely have to incorporate an attached product type that encourages pedestrian activity and provides the recommended density that more appropriately supports transit use. The attached General Development Plan Development Standards have been designed to address this type of development as well.

CONCLUSION

The project is consistent with the Residential Design Guidelines, and meets the required density range of the General Plan. However, the project does not meet the recommended density for residential development within 2,000 feet of a planned transit station. Therefore, staff is recommending that the project be approved with a condition requiring the project to increase the density to a minimum of 20 units per acre.

PUBLIC OUTREACH

Notices of the Draft Mitigated Negative Declaration and the public hearing were distributed to the owners and tenants of all properties within 500 feet of the project site and posted on the City web site. Staff has been available to discuss the project with members of the public.

RECOMMENDATION

Planning staff recommends the Planning Commission include the following condition in the proposed zoning:

1. The project shall provide a minimum density of 20 DU/AC.

With inclusion of the conditions listed above, Planning staff recommends that the Planning Commission recommend approval to the City Council for the subject rezoning for the following reasons:

1. The proposed zoning is consistent with the San Jose 2020 General Plan Land/Use Transportation Diagram designation of Medium High Density Residential.
2. The proposed zoning is compatible with the existing and proposed uses on the adjacent and neighboring properties.
3. The proposed zoning is consistent with the Residential Design Guidelines.